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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,076	01/23/2002	Nenad Nestorovic	MVIS 97-05 C3	5136

7590 06/07/2004

Intellectual Property Counsel
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EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,076

Applicant(s)

NESTOROVIC ET AL.

Examiner

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 89-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 89-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/23/02; 4/26/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to preliminary amendment filed 1/23/2002, newly added claims 89-100 are pending in this application. Claims 1-88 have been cancelled.

Drawings

The drawings are objected to because they do not include references (78) and (110) in Fig. 9 as described on P. 12, line 25 and P. 13, line 2 of the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 89-100 are rejected under 35 U.S.C. 102(b) as anticipated by Task et al. (US Statutory Invention Registration H1599; hereinafter Task), or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hanson et al. (USPN 5,200,827; hereinafter Hanson).

Regarding claims 89 and 95, Task discloses a simulation environment comprising: a plurality of fiducials 100 distributed throughout a selected area and positioned for detection; a mobile simulation unit (Col. 6, lines 31-34; Col. 5, lines 19-25), including: an optical detector 210 sized for transport by a user and responsive to each of the fiducials to produce a signal indicative of the respective fiducial; and an electronic mixer 202 (Col. 3, line 63 – Col. 4, line 1) coupled to the optical detector and responsive to the signal to produce a signal representing a simulated image for viewing, wherein each simulated image corresponds to a respective fiducial and represents a feature of the simulation environment; and a head-mounted display assembly, configured for mounting to a user's body and coupled to the electronic mixer, the head-mounted display being responsive to the electrical input signal to produce the simulated image for viewing by a user (Col.5, lines 27-38). Although implied that mixer 202 processes electrical signals (Col. 3, line 63 – Col. 4, line 1), Task does not explicitly state that the mixer 202 is an electronic processor. However, Hanson teaches a simulation environment comprising an optical detector 20 and an electronic processor 22 coupled to the optical detector to produce an electrical signal representing a simulated image for viewing (Col. 4, lines 19-33). Hence, in view of Hanson, it would have been obvious to one of ordinary skill in the art to modify the mixer described in Task by providing an electronic processor in order to output an electrical signal representation of an optical image that can be transmitted to a video display for viewing.

Regarding claims 90 and 96, Task discloses a simulation environment wherein the head-mounted display 220 is coupled to the electronic mixer 202 by an electronic transmitter 244, 246, 248).

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Regarding claim 91, Task discloses a simulation environment wherein the optical detector includes an infrared emitter and infrared detector (Col. 6, lines 8-19)

Regarding claims 92 and 98, Task discloses a simulation environment wherein the head-mounted display assembly includes: a scanning infrared source that emits infrared light modulated according to the electrical input signal; a viewing assembly aligned to receive the modulated infrared light and responsive to the modulated infrared light to produce visible light for viewing by the user (Col. 6, lines 8-19).

Regarding claims 93 and 99, Task discloses a simulation environment wherein the head-mounted display assembly includes a scanning beam display (Col. 4, lines 23-27).

Regarding claims 94 and 100, Task discloses a simulation environment wherein the optical detector includes a scanning assembly oriented to direct light into the selected area (Col. 5, lines 54-65).

Regarding claim 97, Task discloses a simulation environment wherein the optical imager includes a video camera 105, 124.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Hanson et al. (USPN 5,200,827) – disclose a night vision goggle system wherein image data is wirelessly transmitted.
- Streid (USPN 6,196,845) – discloses a method of simulating night vision goggles.
- Witt, III (USPN 5,413,483) – discloses a night vision goggle simulator.
- Stevens et al. (USPN 6,061,916) - disclose a head tracking system comprising a radiation emitter and a radiation sensor.

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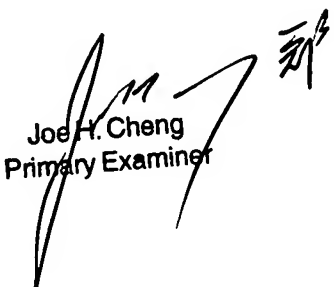
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 703-305-5490. The examiner can normally be reached on M-F 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS


Joe H. Cheng
Primary Examiner